S.B.CIVIL CONTEMPT PETITION NO.2/2002

Farjand Ali.
vs.
Ratan Singh Lamba and others.

DATE OF ORDER ::: 20.1.2006

PRESENT

HON'BLE MR. PRAKASH TATIA, J.

Mr. SN Trivedi, for the petitioner.
Mr. D Kaushik, for the respondent no.1.

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Heard learned counsel for the parties.

According to learned counsel for the petitioner, the dispute between the petitioner and his two brothers on one side and their father Sardar Ali on the other side has been settled by final adjudication by three courts and upto High Court. Thereafter, the petitioner filed a suit for ejectment of respondents under Section 183 of Rajasthan Tenancy Act in which the transferee from Sardar Ali contested the suit and the revenue court dismissed the suit of the petitioner ignoring the findings recorded by three competent courts and final decree passed in favour of the petitioner. According to learned counsel for the petitioner, therefore, the learned Assistant Collector committed contempt of court.

Learned counsel for the respondent no.1 submits that the respondent no.1 passed a judicial order after hearing both the parties and thereafter, in appeal also, the order passed by the respondent no.1 was upheld. Therefore, no case of any willful disobedience of any court's order or any case for undermining the authority of any court has been made out.

Since the respondent no.1 has passed an order/judgment in exercise of his judicial power and his order has been upheld by the appellate court, no case of contempt is made out.

In view of the above, this contempt petition, having no merit, is hereby dismissed and the notices are discharged.

(PRAKASH TATIA), J.

S.Phophaliya